

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1

Andrew Behlmann
Colleen M. Restel
LOWENSTEIN SANDLER LLP
One Lowenstein Drive
Roseland, NJ 07068
Telephone: (973) 597-2500
Email: abehlmann@lowenstein.com
Email: crestel@lowenstein.com

Counsel to MLS Berkowitz Investments LLC

In re:

MLS Berkowitz Investments LLC,

Alleged Debtor.

Case No.: 23-15334 (CMG)

Chapter: 7

Hearing Date: August 3, 2023

Judge: Honorable Christine M. Gravelle

**DECLARATION OF SETH BERKOWITZ IN SUPPORT OF MOTION OF
MLS BERKOWITZ INVESTMENTS LLC FOR ENTRY OF AN ORDER
DISMISSING INVOLUNTARY CHAPTER 7 PETITION
AND AWARDING FEES, COSTS, AND DAMAGES**

Pursuant to 28 U.S.C. § 1746, I, Seth Berkowitz, declare under penalty of perjury that the following is true and correct to the best of my knowledge and belief:

1. I am a director of MLS Berkowitz Investments LLC ("MLS"), the alleged debtor in the above-captioned involuntary chapter 7 proceeding.

2. I submit this declaration (the "Declaration") in support of the *Motion of MLS Berkowitz Investments LLC for Entry of an Order Dismissing Involuntary Chapter 7 Petition and Awarding Fees, Costs, and Damages* (the "Motion").¹ I am authorized to submit this Declaration on behalf of MLS.

¹ Capitalized terms not defined herein shall have the meanings given to them in the Motion.

3. A true and correct copy of the January 2023 Contract, together with amendments thereto, is annexed hereto as **Exhibit A**.

4. A true and correct copy of the Assignment, together with the power of attorney executed in connection therewith, is annexed hereto as **Exhibit B**.

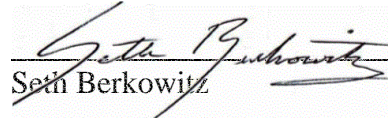
5. A true and correct copy of the Cooperation Agreement is annexed hereto as **Exhibit C**.

6. MLS is not currently conducting any business.

[*signature page follows*]

I declare under penalty of perjury that the foregoing information is true and correct to the best of my knowledge, information, and belief. I understand that I am subject to punishment if any of the foregoing statements made by me are willfully false.

Dated: July 17, 2023



Seth Berkowitz